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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

in re application of:

DAVID B. NITSCHKE ET AL.

Group Art Unit: 1731

Serial No.: 08/975,267

Examiner: J. Ruller

Filed: November 20, 1997

For: APPARATUS FOR FORMING HEATED GLASS SHEETS

Attorney Docket No.: GLT 1598 PUS

REQUEST FOR ORAL HEARING

Box AF
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Appellants request an Oral Hearing for the appeal of the above application.

A check in the amount of \$130.00 is enclosed for the fee under 37 C.F.R. 1.17(d) as applicable to small entities in connection with the filing of this request for an oral hearing. Please charge any additional fee or credit any overpayment in connection with this filing to our Deposit Account 02-3978--duplicate copies of this paper are enclosed for that purpose.

Respectfully submitted,

DAVID B. NITSCHKE ET AL.

By: James A. Kushman
James A. Kushman
Reg. No. 25,634
Attorney/Agent for Applicant

Date: March 23, 2000

BROOKS & KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: 248-358-4400
Fax: 248-358-3351

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I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Box AF, Assistant Commissioner for Patents, Washington, D.C. 20231 on:

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James A. Kushman
Name of Person Signing

James A. Kushman
Signature

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REPLY BRIEF

Box AF
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Appellants respond as follows to the argument in the Examiner's Answer for the appeal of the above application.

Appellants respectfully take exception to the Examiner's statement in paragraph 11 that:

There is nothing in the claims on appeal, as recited, that limit the mold of the instant application to glass sheets.

That statement is clearly wrong since the preamble and body of each of the claims on appeal is specifically limited to "glass sheets" contrary to the Examiner's allegation. Note for example claim 1 whose preamble recites "Apparatus for forming heated glass sheets" and whose last two lines recite "for cooperation of the molds to form a heated glass sheet between

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the molds.”. Likewise, note claim 16 whose preamble recites “Apparatus for forming glass sheets”, lines 5 and 6 which recite “a lower mold for cooperating with the upper mold to provide forming of a heated glass sheet;” and lines 13-16 which recite “alignment guides that cooperate to move the lower mold horizontally on the lower mold support assembly as necessary into alignment with the upper mold upon each cycle...to provide glass sheet forming;”.

Appellants’ invention involving glass sheet forming is believed to be non-analogous to the disclosure of United States Patent 5,445,508 Kubo et al. which involves a tire vulcanizing apparatus.

Furthermore, Appellants respectfully point out that the Examiner is not merely proposing to modify the disclosure of United States Patent 5,092,916 McMaster in view of Kubo et al. Rather, the proposal is to dissect a portion of Kubo et al. and utilize such dissected portion in McMaster in a manner that is not taught or suggested in any way by the prior art. More specifically, as discussed in the main brief, the present invention involves cyclically transferring a lower mold between a lower mold shuttle and a lower mold support assembly so as to permit horizontal alignment of the lower mold with an associated upper mold as necessary upon each cycle of downward movement of the upper mold for the glass sheet forming. In the Kubo et al. patent, the centering mechanism provided by the centering hole 30 and centering ring 47 shown in Figure 5 provides centering of both the lower mold 7 and the upper mold 8 with the vulcanizing mold assembly 21 as discussed in column 5, lines 9-24. Furthermore, the Kubo et al. structure involves mounting and removal of the lower and upper molds 7 and 8 as discussed in column 6, lines 6-16. There is no disclosure anywhere in Kubo et al. of supporting a lower mold for movement so as to be aligned with an upper mold during cyclical operation. Furthermore, since the McMaster patent discloses movement of the upper mold 32 for alignment with the lower mold 34 rather than movement of the lower mold for alignment with the upper mold, it is difficult to understand how it would be obvious to modify Kubo et al. to provide the presently claimed invention.


In summary, Appellants respectfully submit that the Examiner is proposing to utilize a non-analogous reference by dissecting its structure and operation so as to be utilized in a manner contrary to anything taught in the prior art.

For the reasons set forth above, Appellants again ask that the Board reverse the rejections of the appealed claims.

Respectfully submitted,

DAVID B. NITSCHKE ET AL.

By:



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